

REMARKS

Claims 2-6 are currently pending in the application. Claims 2-6 have been rejected under 35 U.S.C. §102(b) as being anticipated by Samsung Electronics Co., Gated Transmission of DPCCH in DCH/DCH Control Only Substates, from the TSG-RAN Working Group 1 meeting #3, in Shin-Yokohama, Japan, 18-20, April 1999 (TSGR1#4(99)478) (hereinafter referred to as "*Samsung*").

Regarding the rejection of independent Claims 2 and 5, it is respectfully submitted that an aspect of the present invention is to set a gated transmission unit differently from a slot unit while performing gated transmission of a uplink DPCCH. This aspect is contained in the recitation of "in a partial duration of a predetermined one of the slots" of independent Claims 2 and 5.

The Examiner mistakenly equates "in a partial duration of a predetermined one of the slots" of Claims 2 and 5 with "UE send DPCCH signal only fraction time duration" in section 3 of the reference, *Samsung*.

However, "fractional time duration" is the same as one time slot, which is described in "the unit period of gating ON/OFF is 0/625ms(1 slot)" of section 2 line 12 of the reference.

On the contrary, a "partial duration" recited in the claims of the present application is smaller than one time slot, so "fractional time duration" of the reference is in fact different from a "partial duration" as recited in the claims of the present application. Based on at least the foregoing, withdrawal of the rejections of Claims 2 and 5 under §102(b) is respectfully requested.

Independent Claims 2 and 5 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 3, 4 and 6, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 3, 4 and 6 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 2-6, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

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